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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,893	07/09/2003	Manfred Jagiella	HOE-669.1	1647

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LAW OFFICE OF BARRY R LIPSITZ
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MONROE, CT 06468

EXAMINER

PHAM, HOA Q

ART UNIT PAPER NUMBER

2877

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,893	Applicant(s) JAGIELLA ET AL.	
	Examiner Hoa Q. Pham	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

With respect to the present abstract, the term "means" should be avoided.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kissinger (3,327,584) in view of Franklin et al (6,628,408).

Regarding claims 1, 25, and 28; Kissinger discloses a detector head (150) which comprises a first non-contact distance sensor (164,160,158) and second distance sensor (152,162,166) is positioned at a distance to the workpiece (168), the detector head and the workpiece are movable relative to one another (column 4, lines 73 through column 5, line 2 and figure 23), and a comparator for comparing the measurement signals of the first distance sensor and second distance sensor so that the object of measurement is characterizable in relation to the object (170) of the reference.

Kissinger does not explicitly teach that the detector head is couplable electromagnetically to the workpiece; however, such a feature is known in the art as taught by Franklin et al. Franklin et al, from the same field of endeavor, teach that the distance sensor (40) in which the current flows through a coil (41) sealed in the housing (42). The electromagnetic field (45) of the coil (41) induces eddy currents in the conductive target (44) (see figures 9-10 and column 7, lines 6-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the detector head of Kissinger by a detector head of Franklin et al because they are both used for distance measurement. A substitution one for another is generally recognized as being within the level of ordinary skill in the art.

Regarding claims 2 and 26, see figure 23 of Kissinger.

Regarding claim 3, Figure 23 of Kissinger shows that both distance sensors are coupled to one another.

Regarding claims 4, 5, and 9-18; as mentioned above, the object (168) is rotatable so that the whole surface is scanned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to move the probe (150) and the object is fixed because they would function in the same manner.

Regarding claim 7, see reference object (170) in figure 23 of Kissinger.

Regarding claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store the threshold value in the computer system so that the tested value is compared. The rationale for this modification would have arisen from the fact that using such reference value would reduce the complication of the measurement.

Regarding claims 19 and 27, using a distance measuring probe for inspecting a bore in a workpiece is well known in the art, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kissinger for the purpose of inspecting the bore in a workpiece.

Regarding claim 20, Kissinger teaches that light reflected from the surface of the reference object (170) is detected by the detector (164). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a metallic material for the reference object so that the reflectivity is increased, thus a strong reference signal is measured by the detector.

Regarding claims 21-22, see column 7, lines 21-29 of Franklin et al for the use of an inductive sensor.

Regarding claims 23-24, see figure 9-10 of Franklin et al for a plurality of coils (41, 51).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Following references are relative to distance measuring device: Ohtomi (4,894,597), Wisspeintner et al (5,485,082), Neumann (6,155,757), Pinnock et al (5,473,156) and McLaughlin et al (5,243,265).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (571) 272-2426. The examiner can normally be reached on 7:30AM to 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hoa Q. Pham
Primary Examiner
Art Unit 2877

HP
March 18, 2004